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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

MALI

1. The Committee considered the initial report of Mali (CRC/C/3/Add.53) at its 570th to 572nd meetings (CRC/C/SR.570-572) on 28 and 29 September 1999 and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report which followed the established guidelines and included substantive statistical information on the situation of children. The Committee also takes note of the written replies to its list of issues (CRC/C/Q/MALI/1). The Committee is encouraged by the constructive, open and frank dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

* At the 586th meeting, held on 8 October 1999.

B. Positive aspects

3. The Committee welcomes the implementation of the National Plan of Action for the Survival, Development and Protection of Children (1992-2000). In this regard, it also welcomes the establishment of the Inter-Ministerial Commission for the Implementation of the Plan of Action, whose responsibilities include monitoring the implementation of activities under the Plan and promoting cooperation between donors and the competent technical departments. The Committee further welcomes the establishment of the Ministry for the Advancement of Women, Children and the Family, which, inter alia, facilitates the work of the Commission, particularly as regards the coordination of programmes.

4. The Committee notes that the Convention has been translated into Bamanan and Soninke, the State party's most widely spoken languages, and distributed using posters, booklets, leaflets, brochures and cartoon strips. The Committee welcomes the State party's use of traditional folk songs, stories and plays in promoting the principles of the Convention. The Committee also welcomes the introduction of a training programme on the Convention which has to date prepared a manual for trainers, trained 18 trainers and established regional and national teams of trainers. The efforts made thus far to train officials working with and for children about the Convention and to sensitize the media about children's rights are also noted. The Committee appreciates the fact that the Convention has been incorporated in the programme of the teacher training college and in the civic and moral education syllabuses at the primary school level.

5. The Committee expresses its appreciation for the State party's efforts in encouraging greater child participation and promoting respect for the views of the child. In particular, the Committee welcomes the annual Children's Parliament and the "Public Forum" which allow children the opportunity to participate in and express their views on human rights and other matters of concern to them, including the National Plan of Action on the Survival, Development and Protection of Children. The Committee notes with appreciation that the Children's Parliament includes children with disabilities. The Committee also notes with appreciation that the membership of school disciplinary councils includes children.

6. The Committee appreciates the State party's initiatives within the school environment. In this regard, it welcomes the elaboration and recent implementation of the "Ten-Year Programme for the Development of Education" (PRODEC) which aims, inter alia, to establish parity between boys and girls in terms of recruitment and enrolment, to expand the use of national languages in education and to improve the overall quality of education. The Committee expresses appreciation for the recent initiatives to promote the enrolment of girls at all levels of the educational system. In particular, it notes the establishment of a special unit for the promotion of the education of girls within the Ministry of Basic Education and the implementation of a policy to allow pregnant schoolgirls to continue their education. The Committee further notes the efforts to introduce or revitalize school canteens in economically disadvantaged communities. The Committee appreciates the recent efforts to improve the infrastructure through the construction of additional schools and classrooms and the refurbishment of existing ones.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee acknowledges that the economic and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular, it notes the impact of the structural adjustment programme and the increasing level of unemployment and poverty. The Committee further notes that the limited availability of skilled human resources also adversely affects the full implementation of the Convention.

D. Subjects of concern and the Committee's recommendations

D.1. General measures of implementation

8. The Committee notes the commitment expressed by the delegation to encourage the State party to withdraw its reservation to article 16 of the Convention **and recommends that all necessary measures be taken to facilitate the process at the earliest possible opportunity, in the light of the Vienna Declaration and Programme of Action (1993).**

9. The Committee notes that a study was undertaken to identify the inconsistencies between domestic legislation and the Convention. The Committee also notes that a Code on the Well-being and Protection of Children has been elaborated and incorporated in the Code of General Social Protection which is currently being reviewed by the Ministry for the Advancement of Women, Children and the Family with a view to final adoption by the National Assembly. The Committee remains concerned, however, that domestic legislation, and in particular customary law, still does not fully reflect the principles and provisions of the Convention. **The Committee encourages the State party to take all necessary measures to ensure the early enactment of the draft Code of General Social Protection and to ensure that its domestic legislation conforms fully with the principles and provisions of the Convention.**

10. While the Committee notes the establishment of the Inter-Ministerial Commission for the Implementation of the National Plan of Action for the Survival, Development and Protection of Children, it is concerned that insufficient resources have been allocated to allow the Commission to coordinate effectively the implementation of programmes for children. The Committee is also concerned that much of the work of the Commission is centralized in the regional capitals and the Bamako district, with very little focus at the community level. **The Committee recommends that the State party take all necessary measures to ensure that adequate human and financial resources are allocated to facilitate the coordination and implementation of the National Plan of Action, as well as of the Convention, and that programmes be established in rural areas at the community level.**

11. The Committee also expresses concern at the absence of an independent mechanism to register and address complaints from children concerning violations of their rights under the Convention. **The Committee suggests that an independent child-friendly mechanism be made accessible to children to deal with complaints of violations of their rights and to provide remedies for such violations. The Committee further suggests that the State party introduce an awareness raising campaign to facilitate the effective use by children of such a mechanism.**

12. The Committee is concerned that the current data collection mechanism is insufficient to ensure the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children, in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. **The Committee recommends that the system of data collection be reviewed with a view to incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including: girls; children with disabilities; child labourers, especially domestic workers; garibou students; children living in remote rural areas; child brides; children working and/or living on the streets; children living in institutions; and refugee children. Technical assistance in this area from, inter alia, UNICEF is encouraged.**

13. The Committee notes the impact of economic policies and the structural adjustment programme, which have had adverse effects on social investment. The Committee remains concerned that, in the light of article 4 of the Convention, not enough attention has been paid to allocating budgetary resources in favour of children "to the maximum extent of ... available resources". **In the light of articles 2, 3, and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.**

14. While recognizing the efforts of the State party to promote awareness of the principles and provisions of the Convention, the Committee remains concerned that professional groups, children, parents and the public at large are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein. **The Committee recommends that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike, in both rural and urban areas. In this regard, it encourages the State party to continue its efforts to make the Convention available in local languages and to promote and disseminate its principles and provisions through the use of, inter alia, traditional methods of communication. The Committee further recommends the reinforcement of adequate and systematic training and/or sensitization of traditional community leaders, as well as professional groups working with and for children, such as judges, lawyers, law enforcement personnel, health personnel, including psychologists, social workers, officials of central or local administration and personnel of child-care institutions. In this regard, the Committee suggests that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, UNICEF and UNESCO.**

D.2. Definition of the child

15. While the Committee notes the State party's proposal to review the Marriage and Guardianship Code, it remains concerned at the low minimum legal age for marriage of girls (15 years) as compared to that of boys (18 years). **The Committee encourages the State party to amend the Marriage and Guardianship Code to bring it into conformity with the provisions of the Convention.**

D.3. General principles

16. The Committee is concerned that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles, as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, and in its policies and programmes relevant to children. **The Committee encourages the State party to continue its efforts to ensure that the general principles of the Convention not only guide policy discussion and decision-making, but are also appropriately incorporated in all legal revisions, as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.**

17. While the Committee notes that the principle of non-discrimination (art. 2) is reflected in domestic legislation, it is still concerned that measures adopted to ensure that all children are guaranteed access to education, health and other social services and are protected against all forms of exploitation are insufficient. Of particular concern are certain vulnerable groups of children, including: girls; children with disabilities; child labourers, especially domestic workers; garibou students; children living in rural areas; child brides; children working and/or living on the streets; children in the juvenile justice system; children living in institutions; and refugee children. **The Committee recommends that the State party increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to vulnerable groups.**

18. While the Committee recognizes the efforts of the State party to promote respect for the views of the child and encourage child participation, it is concerned that traditional practices and attitudes still limit the full implementation of article 12 of the Convention. **The Committee encourages the State party to continue promoting public awareness of the participatory rights of children and encouraging respect for the views of the child within schools, families, social institutions, and the care and judicial systems.**

D.4. Civil rights and freedoms

19. The Committee notes that domestic legislation within the State party provides for the registration of all children at birth and that recent initiatives have been undertaken to improve and facilitate the process of birth registration, particularly in rural areas. However, the Committee is concerned that many children are still not registered. **In the light of articles 7 and 8 of the Convention, the Committee encourages the State party to continue its efforts to ensure that birth registration is made accessible to all parents within the State party. The**

Committee also recommends that efforts be made to raise awareness among government officers, community leaders and parents to ensure that all children are registered at birth.

20. The Committee notes with concern that insufficient efforts have been made to protect children from harmful information shown in private cinemas, homes and community settings. **In the light of article 17 of the Convention, the Committee recommends that the State party reinforce existing and/or establish new appropriate measures to protect children from harmful information.**

21. The Committee is concerned about the insufficient measures taken to prevent and prohibit police brutality and the inadequate enforcement of existing legislation to ensure that children are treated with respect for their physical and mental integrity and their inherent dignity. **The Committee recommends that all appropriate measures be taken to implement fully the provisions of articles 37 (a) and 39 of the Convention. In this regard, the Committee also recommends that greater efforts be made to prevent police brutality and to ensure that child victims are provided with adequate treatment to facilitate their physical and psychological recovery and social reintegration and that perpetrators are sanctioned. The Committee recommends that the State party consider ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

D.5. Family environment and alternative care

22. With respect to the situation of children deprived of a family environment, the Committee expresses its concern at the insufficient number of alternative care facilities and the lack of support for existing ones. Concern is also expressed about the living conditions in alternative care institutions, the inadequate monitoring of placements and the limited number of qualified personnel in this field. The Committee notes with concern that foster care has not yet been institutionalized or standardized and that the organizations involved are generally left to develop their own individual systems of monitoring and recruitment. **The Committee recommends that the State party develop additional programmes to facilitate alternative care, provide additional training for social and welfare workers and establish independent complaint and monitoring mechanisms for alternative care institutions. It is also recommended that the State party increase its efforts to provide support, including training for parents, to discourage the abandonment of children. The Committee further recommends that the State party develop a clear policy with respect to foster care and introduce measures to ensure a standardized approach with respect to recruitment, monitoring and evaluation under existing foster care programmes.**

23. The Committee welcomes the recent initiative undertaken by the State party in establishing the National Commission to Study Intercountry Adoption and Combat Trafficking in Children. The Committee notes that the final report of the Commission, due in October 1999, will include legislative and other recommendations to protect the rights of children in situations of adoption and to prevent and combat the phenomenon of trafficking in children. The Committee remains concerned, however, at the absence of legislation, policies and institutions to regulate intercountry adoptions. The lack of monitoring with respect to both domestic and intercountry adoptions and the widespread practice of *kalifa* (informal adoptions) are also matters of concern. **In the light of article 21 of the Convention, the Committee recommends that the**

State party introduce proper monitoring procedures with respect to both domestic and intercountry adoptions and prevent the abuse of the practice of *kalifa*. Additionally, it is recommended that the State party take all necessary measures, including legal and administrative ones, to regulate intercountry adoptions. The Committee further encourages the State party to consider acceding to the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption.

24. The lack of appropriate measures and mechanisms to prevent and combat ill-treatment, neglect and abuse of children, including sexual abuse within the family, the inadequate resources (both financial and human), the insufficient number of adequately trained personnel to prevent and combat abuse, as well as the lack of awareness and information, including statistical data on these phenomena, are matters of concern for the Committee. **In the light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse in order to understand the scope and nature of these practices, adopt adequate measures and policies, and contribute to changing attitudes. The Committee also recommends that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-friendly judicial procedure and sanctions applied to perpetrators, with due regard being given to protecting the right to privacy of the child. Measures should also be taken to ensure the provision of support services to children in legal proceedings, the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF and WHO.**

25. While the Committee is aware that corporal punishment is prohibited in schools and in care and other institutions, including the Bollé Observation and Rehabilitation Centre, it remains concerned that traditional societal attitudes continue to encourage the use of such punishment within families and generally within society. **The Committee recommends that the State party take appropriate measures to prohibit by law corporal punishment in care institutions. The Committee further recommends that the State party reinforce measures to raise awareness of the negative effects of corporal punishment and change cultural attitudes to ensure that discipline is administered in a manner consistent with the child's dignity and in conformity with the Convention.**

D 6. Basic health and welfare

26. While the Committee notes the recent efforts to improve the general situation of health, it remains concerned that the survival and development of children within the State party continues to be threatened by diseases such as malaria, acute respiratory infections and diarrhoea. The Committee is also concerned at the high incidence of child and infant mortality, as well as maternal mortality, the high rate of malnutrition, poor sanitation and limited access to safe drinking water, especially in rural communities. **The Committee recommends that the State party allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of children; facilitate access to primary health services; reduce the incidence of maternal, child and infant mortality; prevent and combat**

malnutrition, especially in vulnerable and disadvantaged groups of children, and increase access to safe drinking water and sanitation. Additionally, the Committee encourages the State party to consider seeking technical assistance for the integrated management of childhood illnesses and other measures for child health improvement from, inter alia, UNICEF and WHO.

27. The Committee expresses its concern regarding the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including accidents, suicide, violence and abortion. While the Committee notes that the State party has initiated a national anti-AIDS programme which aims, inter alia, to establish counselling and treatment centres for people living with HIV/AIDS and sexually transmitted diseases (STDs), it remains concerned at the high and increasing incidence of HIV/AIDS and STDs. **The Committee recommends that the State party increase its efforts to promote adolescent health policies, particularly with respect to accidents, suicide and violence, and to strengthen reproductive health education and counselling services. In this regard, the Committee encourages the introduction of training programmes on reproductive health. The Committee suggests that a comprehensive and multidisciplinary study be undertaken on the scope of adolescent health problems, including the negative impact of early pregnancy and the special situation of children infected with, affected by or vulnerable to HIV/AIDS and STDs. Additionally, it is recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to develop youth-friendly counselling, care and rehabilitation facilities for adolescents that would be accessible without parental consent, where this is in the best interests of the child.**

28. The Committee notes the efforts of the State party to introduce measures to eradicate the practice of female genital mutilation (FGM) and other harmful traditional practices affecting the health of girls, including early and forced marriages. The Committee welcomes the proposal to establish a national committee on practices harmful to the health of women and children and to implement a plan of action to reduce the practice by the year 2008. The Committee remains concerned, however, that harmful traditional practices such as excision and early and forced marriages continue to be widely practised within the State party. The Committee also notes with concern that approximately 75 per cent of women in the State party are in favour of maintaining the practice of excision. **The Committee recommends that the State party strengthen its efforts to combat and eradicate the persistent practice of FGM and other traditional practices harmful to the health of girls. The Committee urges the State party to continue its efforts to conduct sensitization programmes for practitioners and the general public in order to change traditional attitudes and discourage harmful practices. In this regard, the Committee also encourages the establishment of alternative career training programmes for practitioners. The Committee encourages the State party to continue its collaboration with, inter alia, neighbouring States to identify good practices undertaken in the campaign to combat and eradicate the practice of FGM and other harmful traditional practices affecting the health of girls.**

29. The Committee expresses its concern at the absence of legal protection and the insufficient number of adequate programmes, facilities and services for children with disabilities, particularly mental disabilities. **In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly**

resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (CRC/C/69), it is recommended that the State party develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society. The Committee recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities from, inter alia, UNICEF and WHO.

D.7 Education, leisure and cultural activities

30. The Committee notes the significant progress made in the field of education, including under the 20/20 Initiative adopted at the World Summit for Social Development in Copenhagen in 1995. The Committee remains concerned that many children, particularly girls, still do not attend school. With respect to the general situation of education, the Committee notes with concern: the extent of overcrowding, high drop-out, illiteracy and repetition rates, lack of basic training materials, poorly maintained infrastructure and equipment, shortages of text books and other materials, and the insufficient number of trained teachers. **The State party is encouraged to continue its efforts to promote the school attendance of girls. The Committee recommends that all appropriate measures be taken to improve the quality of education and to provide access for all children within the State party. In this connection, it is recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO. The State party is further urged to implement additional measures to encourage children to stay in school, at least during the period of compulsory education.**

D.8 Special protection measures

31. While recognizing the State party's openness to hosting refugees from neighbouring States, the Committee remains concerned at the lack of adequate legal provisions, policies and programmes to guarantee and protect the rights of refugee and asylum-seeking children. **The Committee recommends that the State party develop a legislative framework for the protection of refugee and asylum-seeking children, and implement policies and programmes to guarantee them adequate access to health, education and social services.**

32. The Committee notes the initiatives taken by the State party in the area of child labour and economic exploitation and in particular the recent study and follow-up activities undertaken in this regard, including the establishment of the National Programme to Combat Child Labour. However, the Committee remains concerned at the situation of child labour, especially as regards, children engaged in domestic and agricultural labour, children engaged in mining and traditional gold-washing and children engaged as apprentices in the informal sector. **The Committee encourages the State party to improve its monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation. The Committee also suggests that the State party increase its efforts to ratify ILO Convention No. 138 concerning Minimum Age for Admission to Employment and that it consider ratifying ILO Convention No. 182 concerning the Elimination of the Worst Forms of Child Labour.**

33. The Committee notes that a national forum on child begging was held in 1998 and resulted in the elaboration of a plan to include *marabouts* and other Koranic teachers in the campaign to eradicate child begging. The Committee further notes that a vocational training programme has been established for *garibou* children in Mopti to discourage their continued involvement in begging. The Committee remains concerned, however, that children, particularly *garibous*, continue to be exploited and encouraged to beg. **The Committee recommends that the State party continue to promote programmes to discourage and prevent child begging and to ensure that such programmes are implemented in all areas where child begging is a concern.**

34. The Committee is concerned at the high and increasing incidence of drug and substance abuse among youth and the limited psycho-social and medical programmes and services available in this regard. **In the light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. In this context, it is further recommended that programmes be introduced within the school environment to educate children about the harmful effects of narcotic drugs and psychotropic substances. The Committee also encourages the State party to support rehabilitation programmes for child victims of drug and substance abuse. The Committee encourages the State party to seek technical assistance from, inter alia, UNICEF and WHO.**

35. The absence of adequate information, including disaggregated statistical data, on the situation with regard to the sexual exploitation of children, is a matter of concern for the Committee. **In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children. It also recommends that the State party reinforce its legislative framework to protect children fully from all forms of sexual abuse or exploitation.**

36. While the Committee notes the efforts of the State party, it remains concerned at the increasing incidence of sale and trafficking of children, particularly girls, and the lack of adequate legal and other measures to prevent and combat this phenomenon. **In the light of article 35 and other related articles of the Convention, the Committee recommends that the State party review its legal framework, strengthen law enforcement and intensify its efforts to raise awareness in communities, generally in rural areas and particularly in the Sikasso region. The State party is further encouraged to continue its cooperation with neighbouring countries to eradicate cross-border trafficking in children.**

37. While the Committee notes the recent efforts in the area of juvenile justice, it is concerned that the juvenile justice system does not cover all areas of the State party. The Committee is further concerned about:

(a) The general situation of the administration of juvenile justice and in particular its compatibility with the Convention and other recognized international standards;

(b) The absence of juvenile courts in some regions,

(c) The situation of overcrowding in detention facilities,

(d) The holding of minors in adult detention facilities in some regions,

(e) The lack of reliable statistical data on the number of children in the juvenile justice system,

(f) The inadequacy of regulations to ensure that children remain in contact with their families while in the juvenile justice system, and

(g) The insufficiency of facilities and programmes for the physical and psychological recovery and social reintegration of juveniles

The Committee recommends that the State party:

(a) Take additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Undertake all necessary measures to ensure that juvenile courts are accessible to children in all regions of the State party;

(c) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time, protect the rights of children deprived of their liberty and ensure that children remain in contact with their families while in the juvenile justice system;

(d) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;

(e) Request technical assistance in the area of juvenile justice and police training from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice, UNICEF and the Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

38 Lastly, **the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.**